

**REMARKS**

The art rejections are respectfully traversed. Considering first the rejection of claims 1, 2, 7, 11, 13, 14, 19, 20, 21 and 27 under 35 USC §103(a) as being unpatentable over US Published Patent Application 2003/0091057 to Miyashita et al (hereinafter "Miyashita") in view of US Patent No. 6,775,239 to Akita et al (hereinafter "Akita"), claims 1, 13, 20 and 27 all require, in part, "a forwarding section for forwarding control information included in the transmission signal to the transmitting section **without** controlling the control information according to the **predetermined communication protocol**." As noted in Amendment A, incorporated herein by reference, Miyashita not only fails to teach this requirement, Miyashita actually teaches away from this requirement. The Examiner asserts that this missing requirement is taught by Akita. However, the noted figure in the Office Action, Fig. 1, fails to disclose any teaching of this requirement. Additionally, the text of Akita corresponding to Fig. 1 also fails to teach this requirement.

The Examiner contends on page 19 of the Office Action that in Akita et al. Fig. 1 "the IP packet is encapsulated within an ATM cell in order to get sent through the ATM Network from Switch 22 toward Switch 24 and in a reverse process utilizing MPLS Router 31 to extract the original IP packet from the receiver ATM cell. IP header of IP Packet 12 includes control information which due to encapsulating feature done by MPLS Router, the control data encapsulated and only the ATM Cell control information is going to be used to perform the data transmission through the ATM Network." Applicant submits that the Examiner's characterization of Akita—that the control information from encapsulation with the MPLS Router and the ATM Cell performs data transmission through the network, but *does not*, "control the controlling information according to the predetermined communication protocol" is mistaken.

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Specifically, Akita states, "...data necessary for communication control in the MPLS communication scheme are kept in storage as the label data 41 controlled by the MPLS router and the switch data 51 controlled by the trunk switch." See Col. 2, Lines 4-7. One having ordinary skill in the art would consider the label data 41 and switch data 51, which are controlling the MPLS transmission with the MPLS Router and trunk switch, a "communication protocol," because they control or enable a connection, communication, or data transmission between two computing endpoints. Further, they are considered "predetermined" because, as Akita states, "...when the IP packet 42 is supplied, the MPLS router 40 refers to a destination IP address... of the IP header, and reads VPI/VCI ... from the label data 41 that corresponds to this destination IP address." See Col. 1, Lines 49-52. Since the IP address contains origination information of the IP packet, it is inherently predetermined, in respect to the transmission of the signal to subsequent location.

Therefore, as the label data, the switch data and the IP address are controlling aspects of the transmission, Akita can clearly be said to teach forwarding control information according to a predetermined communication protocol. As claim 1 requires, "forwarding control information included in the transmission signal to the transmitting section *without* controlling the control information according to the predetermined communication protocol," Akita fails to support the Examiner's rejection. Thus, because Miyashita fails to teach or support independent claims 1, 13, 20 and 27, and Akita fails to overcome the shortcomings of Miyashita, no combination of the references supports the rejection of claims 1, 13, 20 and 27.

Claims 2, 7, 11, 14, 19 and 21 are dependent on claims 1, 13 or 20 as the case may be, and are allowable over Miyashita and Akita for the same reasons above adduced relative to claims 1, 13 and 20, as well as for their own additional limitations.

Turning to the rejection of claims 3-6, 12, 15-18, 22-26, 28 and 29 as obvious from Miyashita in view of Akita, these claims are directly or indirectly dependent on independent claims 1, 13, 20 or 27, as the case may be. The deficiencies of Miyashita and Akita are discussed above with respect to independent claims 1, 13, 20 and 27. Accordingly, claims 3-6, 12, 15-18, 22-26, 28 and 29 are allowable over Miyashita and Akita for the same reasons above adduced relative to their underlying independent claims, as well as for their own additional limitations.

Turning to the rejection of claims 8-10 as obvious from Miyashita in view of Akita, and further in view of Czeiger et al. (hereinafter "Czeiger"), claims 8-10 are directly or indirectly dependent on claim 1. The deficiencies of the primary combination Miyashita and Akita vis-à-vis claim 1 are discussed above. Czeiger fails to supply the missing teachings to Miyashita and Akita to achieve or render obvious claim 1 or claims 8-10 which depend thereon. Thus, no combination of Miyashita, Akita and Czeiger could be said to achieve or render obvious independent claim 1, or claims 8-10 which depend thereon.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance.

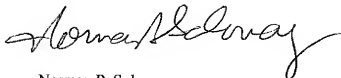
The foregoing Amendment makes no claim changes that would require further search by the Examiner. Accordingly, entry of the foregoing Amendment and allowance of the Application are respectfully requested.

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Respectfully submitted,

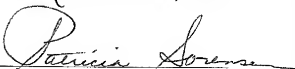


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